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Shopify Inc. and Shopify (USA) Inc.

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 OAKLAND DIVISION

18  
19 Brandon Briskin, on behalf of  
himself and those similarly situated,

Case No. 4:21-cv-06269-PJH

20 Plaintiffs,

DEFENDANT SHOPIFY PAYMENTS  
(USA) INC.'S MOTION TO DISMISS  
PLAINTIFF'S SECOND AMENDED  
CLASS ACTION COMPLAINT

21 v.

22 Shopify Inc. and Shopify (USA) Inc.,

Date: April 28, 2022

23 Defendants.

Time: 1:30 p.m.

24 Location: Courtroom 3, 3rd Floor  
1301 Clay Street  
Oakland, California

25  
26 Judge: The Honorable Phyllis J.  
Hamilton

27

28

SHOPIFY PAYMENTS' MOTION TO

## **NOTICE OF MOTION TO DISMISS**

**PLEASE TAKE NOTICE** that on April 28, 2022 at 1:30 p.m., or as soon thereafter as the matter may be heard in Courtroom 3 (3rd Floor) of the above-entitled court, located at 1301 Clay Street, Oakland, California 94612, defendant Shopify Payments (USA) Inc. (“Shopify Payments”) will, and hereby does, move the Court under Federal Rules of Civil Procedure 8, 12(b)(2) and 12(b)(6) for an order dismissing the Second Amended Class Action Complaint (“SAC”) (ECF No. 44) of Plaintiff Brandon Briskin. This motion is based on this notice, the concurrently filed memorandum of points and authorities, and all other facts the court may or should take notice of, all files, records, and proceedings in this case, and any oral argument the Court may entertain.

**STATEMENT OF RELIEF SOUGHT (CIVIL L.R. 7-2(B)(3)).** Shopify Payments seeks an Order pursuant to Federal Rule of Civil Procedure 8(a)(2) for failure to provide adequate notice of the claims against it, or in the alternative, pursuant to Federal Rule 12(b)(2) for lack of personal jurisdiction, or in the further alternative, Federal Rule of Civil Procedure 12(b)(6) dismissing the SAC for failure to state a claim upon which relief can be granted.

Dated: February 17, 2022

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ *Jacob M. Heath*

JACOB M. HEATH  
THOMAS FU  
Attorneys for Defendants  
Shopify Payments (USA), Inc.,  
Shopify (USA), Inc. and Shopify Inc.

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